IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 127 of 2002
TO
CRIMINAL REVISOIN APPLICATION No.129 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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AESCULAPIOUS REMEDIES LTD
Versus
STATE OF GUJARAT

Appearance:
1. Criminal Revision Application No. 127 of 2002
MR AR GUPTA for Petitioner No. 1
MR B.D.DESAI, APP for Respondent No. 1
MR.D.M. PATEL, for Respondent No. 2

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 09/04/2002

ORAL COMMON JUDGEMENT

1. Rule. Ld. APP Mr. B.D.Desai appears and waives service of Rule for Respondent No.1 State and ld.

counsel Mr. D.M. Patel appears and waives service of Rule for Respondent No.2 - original complainant in each matter. With the consent of parties, mattes are taken up for final hearing today.

2. It is submitted by ld. counsel Mr. D.M. Patel appearing for Respondent No.1 - original complainant that the dispute between the parties is basically a civil dispute and parties were negotiating for settlement out of Court and in the mean time, application for dropping of proceedings was moved by the accused persons before the learned Magistrate concerned and same was also placed for hearing. Petitioner of Cri.Rev. Application No. 127/2002 viz. Accused of Criminal Case No. 1858/1999 submitted application exh.2 before the ld. Magistrate concerned for dropping of proceedings initiated against the said petitioner. Petitioner of Cri. Rev. Application No. 128/2002 viz. Accused of Criminal Case No. 1857/1999 also submitted application exh.2 before the ld. Magistrate concerned for dropping of proceedings initiated against the said petitioner. Petitioner of Criminal Revision Application N. 129/2002 viz. accused of Criminal Case No. 1856/1999 also submitted application exh.2 before the ld. Magistrate concerned for dropping of proceedings initiated against the saidpetitioner. By the time parties could settle the matter out of Court, said applications for dropping of prosecution filed by the accused, came to be heard and came to be dismissed by the ld. Metropolitan Magistrate, Court No.7, Ahmedabad vide order dated 12.10.2001. Hence, present revision applications.

3. It is submitted that the dispute between the parties is basically a civil dispute and trial Court ought to have terminated the proceedings. In response to the query raised by this Court, ld. counsel Mr. D.M. Patel for original complainant has submitted that original complainant has no objection if proceedings against the accused are terminated as the parties have settled the matter out of Court and against the settlement, lumpsum amount of Rs. 72,000/ (Rs. Seventy Two thousand only) is to be paid to the respondent original complainant. Ld. counsel appearing for the petitioner has handed over today in the open Court, a banker's cheque of Rs. 72,000/ (Rs. Seventy two thousand only) drawn by Central Bank of India, Ashram Road, Ahmedabad in favour of complainant. Zerox copy of the banker's cheque is produced on record at the request of ld. counsel Mr. Gupta for the petitioner-original accused.

4. In view of the facts and circumstances of the case and in view of the fact that parties have settled the matter out of court and accused have also paid the lumpsum amount of Rs. 72,000/ to the complainant, without going into the merits of matter and without assigning reasons, all the three Criminal Revisions Applications are allowed. The orders dated 12.10.2001 passed below application exh.2 in aforesaid Criminal Cases dismissing the applications, are hereby quashed and set aside. Criminal proceedings in aforesaid Criminal Case Nos. 1856/1999 to 1858/1999 pending before the ld. Metropolitan Magistrate, Court No.7, Ahmedabad, against the accsued hereby stand terminated and dropped and they are discharged of the offences charged against them.

5. Rule is made absolute in all the three Criminal Revision Applications. Copy of this order be placed in rest of the applications. Yadi to the concerned court.

9.4.2002 [C.K. BUCH, J]

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